

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1231 OF 2024**

Shankar Rahu Alias Ranu Bendure

... Petitioner

**V/s.**

The State of Maharashtra

Through Secretary Rehabilitation

Department Mantralaya, Mumbai &amp; Ors

... Respondents

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Mr. Lengare Y.B. a/w Mr. Aditya Gaikwad for the Petitioner.

Mr. B.V. Samant, Addl. G.P. a/w Mr. S.H. Kankal, A.G.P. for Respondent-State.

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**CORAM : A. S. GADKARI AND  
KAMAL KHATA, JJ.**

**DATE : 9<sup>th</sup> APRIL 2026**

**P.C. :**

1) By this Petition under Article 226 of the Constitution of India, the Petitioner seeks directions against the Respondents primarily to decide the proposal seeking alternate land against the land acquired from the Petitioner.

2) Mr. Lengare, learned Advocate for the Petitioner submits that, despite Order dated 27<sup>th</sup> February, 2017 passed in Contempt Petition No.371 of 2014, Order dated 17<sup>th</sup> September, 2012 in Writ Petition No.8985 of 2011 and Order dated 27<sup>th</sup> October, 2016 passed in Review Petition (Stamp) No.34787 of 2015, the Respondents have failed to comply with the directions contained therein.

**Brief Facts:**

3) The Respondent No.1 issued a Government Notification dated 30<sup>th</sup> June, 1989 under Section 11(1) of the Maharashtra Project Affected Persons Rehabilitation Act, 1986 (“the said Act”) for the Bhama Askhed Project (“the said Project”) in Taluka Khed, District Pune declaring the villages that were likely to be affected as well as areas of the benefitted zone of the said project. By Notification dated 11<sup>th</sup> January, 1994, slab of 3 Hector 23 Ares was imposed under the provisions of Section 11(1) of the said Act. Thereafter, a declaration under Section 13(1) was issued on 10<sup>th</sup> May, 1994 whereby the extent of land from which the persons was declared. 17 villages constituting an area admeasuring 1338 Hector 86 Ares was declared as the affected zone. An area admeasuring 38243 Hector 78 Ares from 55 villages were declared as the benefitted zones of the said Project.

3.1) The Petitioner’s land bearing Gat No.195 admeasuring 4.50 Are, Gat No.208/A admeasuring 5 Are, Gat No.208/B admeasuring 19.1 Are, Gat No.284 admeasuring 23 Are, Gat No.292 admeasuring 1.50 Are, Gat No.316 admeasuring 4.05 Are, Gat No.276 admeasuring 64 Are, totalling to 1 Hector 29.10 Ares situated as Village Tekawadi, Tal. Khed, Dist. Pune were acquired by Award dated 24<sup>th</sup> December, 1999 for the said Project. The acquired land was of Occupancy Class I status. The Petitioner was entitled for 4 Acres alternate land within the benefitted zone at the relevant point of time as there were 9 family members.

3.2) The Project Affected Persons (“PAP”) of the said Project filed Writ Petition No.8385 of 2010 along with other companion Petitions alleging that the Government had failed in allotting land for rehabilitation and Notice under Section 16(2) of the said Act was not issued. By an Order dated 2<sup>nd</sup> May, 2011 the Respondents were directed to issue Notices under Section 16(2) of the said Act and upon depositing of 65% of the amount, further process for allotment of alternate land be undertaken. A similar view was also taken by this Court in Writ Petition No.3758 of 2011 and Writ Petition No.1668 of 2013.

3.3) The State Government filed Review Petition bearing (ST) No.34787 of 2015 in Writ Petition No.3758 of 2011. By an Order dated 27<sup>th</sup> October, 2016 the operative part of the Order dated 14<sup>th</sup> November, 2013 was replaced and the Respondents were directed to issue Notices under Section 16(2)(a) of the said Act and accept 65% amount for allotment of the alternate land.

3.4) The Petitioner also filed Writ Petition No.8985 of 2011 seeking similar directions. By an Order dated 17<sup>th</sup> July, 2012, the Respondents were directed to issue Notice under Section 16(2)(a) and accept 65% compensation for allotment of the alternate land.

4) Mr. Lengare further submits that, the Respondents failed to comply with the directions contained in the Order dated 17<sup>th</sup> July, 2012. The Petitioner was therefore constrained to file a Contempt Petition bearing

No.371 of 2014. By its Order dated 27<sup>th</sup> February, 2017, the Contempt Petitions were disposed off by issuing necessary directions to the Respondents. Pursuant to the directions contained in the Order dated 27<sup>th</sup> February, 2017, the Respondents scrutinized the eligibility claim of the PAP. The Petitioner was declared as eligible and qualified PAP being entitled for the alternate land. On 1<sup>st</sup> February, 2018, the Respondent No.3 issued a Notice and directed the Petitioner to deposit 65% of the amount if the Petitioner was interested in the alternative land. The Petitioner deposited an amount of Rs.75,854/- on 6<sup>th</sup> March, 2018 being 65% of the amount payable and intimated the same to the Respondent No.3. He further submitted that, in an identical Contempt Petition bearing No.180 of 2022, and such connected matters, this Court vide Order dated 23<sup>rd</sup> March, 2023 directed the Respondents to allot the plots selected by the Petitioners from the Bhama Ashked Project or Chaskman Project and to provide a list of the plots available for distribution with the Respondents.

4.1) He submitted that, all relevant documents have been submitted by the Petitioner and the requisitions have been complied with to effect the allotment. By communications dated 6<sup>th</sup> June 2019, 22<sup>nd</sup> December 2022, 18<sup>th</sup> April 2023, 27<sup>th</sup> May 2023 and 4<sup>th</sup> September 2023 the Petitioner requested the Respondent No.3 to allot the alternate land that was available from Gat No.343/2 which admeasuring 74 Are, Gat No.258/2 admeasuring 26 Are at village Wadgaon Najik Khed, Gat No.544 admeasuring 40 Are at

village Chinchosi, Gat No.2496/2/B admeasuring 40 Are Pimpalgaontarfe Khed, Tal. Khed, Dist. Pune. Despite several follow-ups with the Respondents and the assurances by the Authorities that they would allot the land to them the Respondents have failed to allot the alternate land. Learned Advocate vehemently submits that, in fact the Authorities are now even avoiding to reply to the Petitioner leave aside allotting the alternate land.

4.2) Learned Advocate submits that, the Petitioner is poor agriculturist, he is entirely dependent on the agricultural income. His cultivable land has been acquired by the State for public purpose and in view thereof, he had not raised any objection thereto. He submits that, the State has however, not performed its reciprocal obligations by allotting alternate land. The Petitioner has been suffering for more 15 years and is now eagerly awaiting the allotment. Admittedly, the Petitioner is entitled for 1 Hector 60 Ares of agricultural land from the benefitted zone.

4.3) Mr. Lengare has most strenuously, vociferously and boldly contended that “despite lands being readily available with the Respondents only those persons who approached the Authorities are allotted lands for extraneous reasons”.

4.4) In view of the above he submits that, the Petition be allowed.

5) Mr. Samant, learned Addl. G.P for the Respondent, State draws our attention to Affidavit of Dr. Swapnil Bharat More, Deputy Collector of Rehabilitation, Pune dated 24<sup>th</sup> March, 2026 to submit that, there are a total

of 1,414 PAP under the said Project. The allotment of alternate land was required and estimated to be a total of 500 Hectors and 21 Ares. He submits that only 209 Hectors and 50 Ares are available with them, in that view of the matter, they sought some time to look into the grievances of the present Petitioner. He also drew our attention to paragraph No.18.1 to submit that, out of total 1414 PAP, 844 PAP were paid the rehabilitation grant and in the meeting held on 18<sup>th</sup> March, 2026 under the chairmanship of Hon'ble Minister (Relief and Rehabilitation) the PAP were directed to be paid monetary compensation in lieu of alternate land.

6) We have heard Mr. Lengare and Mr. Samant.

We are deeply disturbed by the submission by Mr. Lengare. If correct, it discloses a matter of grave concern and an appalling state of affairs. It must be addressed immediately by the State. It is evident from the record that the Petitioner has been awaiting allotment of the land for over 15 years. Prima facie, the very object and intent of the legislation appear to have been defeated by the concerned Authorities entrusted with the acquisition and allotment process under the State scheme.

7) The very fact that the poor farmers' cultivable lands have been acquired, leaving them with no effective means to earn his livelihood, is deeply disturbing and probably the most awful, deplorable and condemnable action by the concerned Authorities entrusted with the assignment. The scheme of the said Act however contemplates that, before the lands are

acquired, the entire rehabilitation process is duly examined and alternate lands are identified so as to enable immediate allotment to those PAPs. The inordinate delay in implementing the scheme, as envisaged, prima facie raises serious concerns regarding the manner in which the process has been undertaken.

8) The record of this Court, indicates that the concerned State Authorities, entrusted with the duty of implementing the Act in its true letter and spirit, have deprived not only the Petitioner but also several similarly placed PAPs of their legitimate entitlements over a prolonged period. Numerous such Petitions have been instituted before this Court from time to time and Orders have also been passed. It is, however, apparent that many of these Orders have remained merely on paper and have blatantly not been complied with by the concerned Authorities. Such persistent indifference to statutory obligations and judicial orders cannot be countenanced.

9) In view thereof, we deem it appropriate to grant time to the AGP, with a direction that the highest responsible officer i.e. Divisional Commissioner, Pune shall file a detailed affidavit placing on record: (i) particulars of the allotment made to PAP made so far, including dates of their Applications and dates of allotment; and (ii) details of PAPs who have accepted monetary compensation in lieu of allotment, along with details of land acquired and money paid against it, with relevant dates of application and payment.

10) With a view to afford a fair opportunity, we stand over the matter to 28<sup>th</sup> April, 2026.

11) In the meantime, in our considered view, the Petitioner is at least entitled to ad-interim relief in terms of prayer clause (c), which shall operate during the pendency of Petition.

( KAMAL KHATA, J. )

( A.S. GADKARI, J. )